IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.27 OF 2005
IN
WRIT PETITION NO.589 OF 1991

Mrs.Rajbai Baldevbhai Raval ...Petitioner.
Versus
State of Maharashtra
and Ors. ...Respondents.

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Mr.Das Gupta i/b. J.Narula & Asso. for the Petitioner.
Mrs.P.A.Purandhare, Advocate for R.2.
Ms.Geeta Shastri, A.G.P., for R.1.
Mrs.S.I.Shah, Advocate for R.3.

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CORAM : **F.I.REBELLO AND**
SMT.V.K.TAHILRAMANI,JJ.

DATED : **JULY 21, 2006.**

P.C.:

. It is a Motion to set aside the order of this Court dated 12th August, 2003. None was present for the petitioner. This Court relied on the judgment in the case of State of Maharashtra and another Vs. Sant Joginder Singh Kishan Singh & Ors., reported in AIR 1995 Supreme Court 2181 and dismissed the petition.

2. An affidavit has been filed by Mrs.Raibai Baldevbhai Raval of Mumbai, the petitioner herein,

setting out a cause as to why she could not remain present. Para-7 of the affidavit makes it clear that the Solicitor was aware that the petition was on Board and infact communication was sent on the address of the petitioner. That being the case, even if we consider the cause of non-appearance, the non-appearance would not amount to sufficient cause after the Solicitor were fully aware of the date before this Court. Apart from that in the case of *Municipal Council, Ahmednagar & Ors. Vs. Shah Hyder Beig & Ors.* reported in *AIR 2000 Supreme Court 671*, the Apex Court has held that Courts should not interfere in exercise of extraordinary jurisdiction after the award was passed. In the instant case, the award was passed on 25th January, 1981 and thereafter the order dated 29.10.1993 was passed under Section 8(4) of the ULC Act. Considering the above, in our opinion, it would not be a fit case to vacate the order of this Court, as it was passed on the merits of the matter and for the reasons given by us. Motion is rejected.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]